

FOR THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN
GREEN BAY DIVISION

USDC EDWI
FILED IN GREEN BAY DIV

SEP 13 2010

AT O'CLOCK M
JON W. SANFILIPPO

WILLIAM N. MARTIN, JR.,
PETITIONER,

V.

UNITED STATES OF AMERICA,
RESPONDENT.

CRIMINAL CASE No. 04-CR-40

PETITION TO SHOW CAUSE

AFFIDAVIT OF TRUTH IN SUPPORT OF MOTION TO COMPEL U.S. GOVERNMENT, AUSA WILLIAM ROACH TO SHOW CAUSE.

I, WILLIAM N. MARTIN, JR., HEREINAFTER, PETITIONER, DEPOSES AND SAYS THAT,

- 1) I AM OVER THE LAWFUL AGE OF 18 AND IS COMPETANT TO TESTIFY TO THE FACTS SET FORTH HEREIN ;
- 2) THAT THE FACTS SET FORTH HEREIN ARE TRUE, COMPLETE, AND CORRECT TO THE BEST OF MY KNOWLEDGE ;
- 3) THAT THE FACTS SET FORTH HEREIN ARE CERTIFIED AS TRUE AND IS SWORN UPON THE PETITIONER PURSUANT TO TITLE 28 U.S.C. 1746 (UPON THE PAINS AND PENALTIES OF PERJURY);
- 4) THAT THE PETITIONER MOVES THIS HONORABLE COURT ON A MOTION TO COMPEL THE U.S. GOVERNMENT, AUSA WILLIAM ROACH TO EITHER REMOVE THE SEPERATION ORDER PLACED AGAINST PETITIONER AND HIS CO-DEFENDANTS BY AUSA WILLIAM ROACH OR TO SHOW CAUSE AS TO WHY IT MAINTAINS A SEPERATION ORDER AGAINST THE PETITIONER AND HIS CO-DEFENDANTS, JOEL KLINE, ADAM BROWN, KURT SANDOZ AND ANY OTHER CO-DEFENDANTS NOT LISTED THAT ARE HOUSED AT USP TUCSON ;
- 5) THE REASONS PETITIONER IS SEEKING TO HAVE SEPERATION ORDER REMOVED IS AS FOLLOWS:
 - A) THE PETITIONER AND HIS CO-DEFENDANTS ARE NOT ENEMIES AND HAVE NO REASON TO CAUSE HARM TO ONE ANOTHER, NOR DO THEY SEE ANY REASON TO ~~BE KEPT SEPERATE~~ BE KEPT SEPERATE ;
 - B) THE B.O.P. HAS ADMITTED THAT DUE TO THIS SEPERATION ORDER, PLACED BY THE GOVERNMENT, PETITIONER WILL NOT BE ALLOWED TO TRANSFER TO U.S.P. TUCSON WHILE PETITIONERS CO-DEFENDANTS ARE HOUSED THERE ;
 - C) THE B.O.P. HAS DESIGNATED U.S.P. TUCSON AS THE ~~THE~~ PRIMARY PENITENTARY TO HOUSE FEDERAL INMATES WHO ARE SEX OFFENDERS AND WHO HAVE HIGH SECURITY LEVEL POINTS (OR MEET THESE REQUIREMENTS) DUE TO MULTIPLE LAWSUITS STEMMING FROM FEDERAL INMATES WITH SEX OFFENDER CHARGES BEING BRUTALLY ASSAULTED AT ALL U.S.P.'S ;
 - D) BECAUSE PETITIONER IS CURRENTLY UNABLE TO BE HOUSED AT U.S.P. TUCSON, PETITIONER WILL BE VOLUNTARILY KEPT IN PROTECTIVE CUSTODY, HOUSED IN THE SPECIAL HOUSING UNIT (S.H.U.) FOR HIS PROTECTION ;
 - E) THE S.H.U. IS MAINLY USED FOR INMATES WHO BREAK THE RULES WITHIN THE BOP AND MUST BE PUNISHED, THE SHU. HAS SEVER RULES IMPLEMENTED TO DETER INMATES FROM BREAKING THE RULES IN GENERAL POPULATION ;
 - F) THE S.H.U. RULES INCLUDE, BUT ARE NOT LIMITED TO, ONE 15 MINUTE CALL PER MONTH, NO ABILITY TO WORK TO EARN MONEY TO PAY FINES AND RESTITUTION, NO PROGRAMING, NO RELIGIOUS SERVICES, NO THERAPY, NO CONTACT VISITS WITH FAMILY, VERY LIMITED COMMISSARY, REDUCED CALORIE DIET, KEPT IN SMALL 2 MAN CELL 24 HOURS A DAY EXCLUDING 5 HOURS A WEEK FOR RECREATION ;
 - G) ALL INMATES PLACED IN S.H.U. FOR ANY REASON MUST ADHERE TO THESE SAME STRICT RULES AS THOSE BEING PUNISHED FOR BREAKING THE BOP RULES (FOR SECURITY REASONS) ;
 - H) ALL INMATES IN SHU THAT ARE UNABLE TO RETURN TO GENERAL POPULATION WILL REMAIN IN SHU FOR 1 YEAR CLEAR CONDUCT, THEN WILL BE TRANSFERRED TO ANOTHER FACILITY TO MAKE NINCH NEEDED ROOM IN THE SHU FOR THOSE BREAKING THE RULES ;
 - I) IN PETITIONERS CASE, HE HAS BEEN HOUSED IN 4 SEPERATE FEDERAL FACILITIES, HAS BEEN VIOLENTLY ASSAULTED MANY TIMES DUE TO HIS CURRENT OFFENSE, BEEN FORCED TO LIVE WITH OTHER INMATES WHO ARE NOT SEX OFFENDERS, THEREFORE BEING ASSAULTED AGAIN, CREATING A SECURITY HAZARD, DUE TO LIMITED SPACE WITHIN THE S.H.U. PETITIONER ISNT ALWAYS ALLOWED TO BE BY HIMSELF OR WITH ANOTHER INMATE WHO IS A SEX OFFENDER, PETITIONER HAS BEEN ASSAULTED BECAUSE OF THIS SITUATION ;
 - J) THE PETITIONER HAS BEEN HOUSED IN THE SHU UNDER THESE MENTIONED CONDITIONS FOR APPROXIMATELY 5 YEARS OF HIS 6 1/2 YEARS IN PRISON ;
 - K) DUE TO THE SEPERATION ORDER PLACED BY AUSA WILLIAM ROACH, THE PETITIONER CONTINUES TO BE UNJUSTLY PUNISHED EVEN IF IT APPEARS TO COMPLY WITH ALL B.O.P. POLICIES, AS THE BOP CANT REMOVE THIS SEPERATION ORDER BY THEMSELVES, SO THEY ARE VERY LIMITED IN WHERE THEY CAN PLACE PETITIONER ; BOP WOULD RATHER I GO TO TUCSON WHERE I WOULDN'T BE A BURDEN.
- 6) IF THE AUSA WILLIAM ROACH WERE TO LIFT THIS SEPERATION ORDER, PETITIONER WOULD THEN BE ALLOWED TO TRANSFER TO U.S.P. TUCSON, WHERE PETITIONER WOULD BE ALLOWED TO SAFELY REMAIN IN GENERAL POPULATION, WHERE PETITIONER WOULD BE ALLOWED TO WORK SO HE CAN PAY HIS FINES AND RESTITUTION AS ORDERED BY THE COURT, BE ALLOWED TO PROGRAM, TO SEEK THERAPY, TO ATTEND RELIGIOUS SERVICES AND TO NOT BE FORCED TO LIVE AMONGST THOSE INMATES WHO WOULD DO HIM HARM DUE TO HIS CURRENT OFFENSE.

SUBMITTED THIS 2ND DAY OF SEPTEMBER, 2010 BY W.D.M. WILLIAM N. MARTIN JR.

DEAR CLERK OF COURTS, PLEASE SEND COPIES OF THIS PETITION IN ITS ENTIRETY TO ALL PARTIES CONCERNED AND ALSO SEND ME A FILED COPY AS I DO NOT HAVE ACCESS TO ADDRESSES OF ALL CONCERNED PARTIES, SPECIFICALLY AUSA WM. ROACH.